

REMARKS

Upon entry of the present amendment, claims 1-13 will remain pending in the above-identified application and stand ready for further action on the merits.

The amendments made herein to the claims do not incorporate new matter into the application as originally filed. For example, the upper limit of surfactant now recited in claims 1, 7 and 8 finds support at page 5, lines 6-8 of the application. Similarly, newly added claims 12-13 find support at page 8, lines 19-22 of the application.

Regarding the amendment to claim 9, this simply puts claim 9 in an independent format, by incorporating limitations previously recited in claim 1. It is believed that the remaining amendments to the claims (e.g., the amendment to claim 2) simply correct minor grammatical matters in the claims so that they will be in a better form for issuance in a U.S. Patent.

Claim Objections

Claims 2 and 7 have been objected to based upon the use of the abbreviation "i.e." therein. Both claims have been amended to change this phrase to "that is". Withdrawal of the objection is respectfully requested.

Translation of Priority Documents

Before addressing any prior art rejections of the Examiner, Applicants wish to note that they have enclosed herewith a verified English translation of Japanese patent application number 11-167139. This translation has been provided in order to perfect Applicants' right to foreign priority. It is submitted that the accompanying verified English translation shows that full support exists for the instantly claimed invention in the Japanese priority document, and that Applicants have perfected their priority right to June 14, 1999.

It is noted that Applicants' priority date of June 14, 1999 antedates the priority date of US 6,376,435 B1 of Kubota et al. being relied upon by the Examiner in the outstanding Office Action.

Rejections Over Kubota et al.

Claims 1-3 and 5-11 have been rejected under 35 USC § 102(e) as being anticipated by Kubota et al. (US 6,376,453). Further, claim 4 has been rejected under 35 USC § 103(a) as being unpatentable over Kubota et al. Reconsideration and withdrawal of each of these rejections is respectfully requested based upon Applicants' submission herewith of the verified English translation of their Japanese priority document, thereby perfecting a date of priority to June 14, 1999. As such, the cited Kubota et al. reference has been antedated for all that it teaches.

Rejection Over Mausner

Claims 1-8 have been rejected under 35 USC § 102(b) as being anticipated by Mausner et al. (US 4,054,541). Reconsideration and withdrawal of this rejection is respectfully requested based upon the following considerations.

US 4,054,541 (US '541) of Mausner is incapable of anticipating or rendering obvious the present invention as instantly claimed. For example, in each of claims 1-8, by virtue of recitations in independent claims 1, 7 and 8, it is positively recited that an upper limit on the amount of the surface-active agent is 3%, which is in accordance with disclosure at page 5, lines 6-8 of the specification.

In contrast, the cited US '541 Mausner reference teaches the use of amount of surfactants of 7.7% (Example 1), 8.2% (Example 2), 20% (Example 3), 15% (Example 4) or 12% (Example 6), and suggests that the amount of ether sulfate should be between 5 and 12% (see column 2, lines 23-27 of Mausner). Based upon the above considerations, Applicants submit that the cited Mausner reference is incapable of anticipating the claimed invention, and moreover provides no motivation to arrive at the instant invention as claimed, such that it cannot support a rejection of the pending claims for obviousness under 35 USC § 103.

Rejections Over Wilms

Claims 1-3 and 5-11 have been rejected under 35 USC § 102(b) as being anticipated by Wilms et al. (US 5,139,693). Further, claim 4 has been rejected under 35 USC § 103(a) as being unpatentable over Wilms as applied to claim 1, further in view of Kickle et al. (US 4,675,127). Reconsideration and withdrawal of each of these rejections is respectfully requested based on the following considerations.

US 5,139,693 (US '693) of Wilms does not teach or otherwise provide therein for the use of an inhibitor (ingredient (B)) in the present invention (see instant claims 1, 8 and 9).

While in Examples 1-4 of the cited reference, there may be taught the use of a zeolite, an acrylic acid/maleic acid copolymer, a soap, a sodium sulfate and ethoxylated (5 mol EO added) tallow fatty acid alcohol are used, none of these ingredients correspond to ingredient (B) recited in the present claims. In support of this contention, it is noted that a zeolite at best only corresponds as an ingredient "(D)" in the present invention, an acrylic acid/maleic acid copolymer is a water soluble polymer that at best corresponding to an ingredient (A) in the present invention, while sodium sulfate, a "soap" and "ethoxylated" (5 mol EO added) tallow fatty acid alcohol and at best only correspond as an ingredient (C) in the present invention.

Accordingly, even upon applying the cited Wilms reference against the present claims as suggested by the Examiner and the USPTO, one of ordinary skill in the art would readily see that its disclosure and teachings do not provide for the instant invention as claimed, since it does not teach, disclose or otherwise provide for the use of an ingredient (B) inhibitor as occurs in the claimed invention.

Moreover, with regard to claims 1-3 and 5-8 in the present invention, the cited Wilms document can be further distinguished from the present invention based upon the amount of surface-active agent utilized therein. The total amount of surface active agent in the Examples of the Wilms reference is 4.6 "pbw" (parts by weight) due to the presence of 2.5 pbw of soap and 2.1 pbw of ethoxylated (5 mol EO added) tallow fatty acid alcohol, which amount of 4.6 pbw is higher than the amount of 0 - 3% recited in instant claims 1, 7 and 8.

Accordingly, it should be clear that the cited Wilms et al. reference is incapable of either anticipating or rendering obvious Applicants' claimed invention when considered alone or in combination with the secondary cited reference of Kickle (US 4,675,127), since the cited Kickle reference is incapable of curing the deficiencies of the primary reference of Wilms.

Furthermore, it is also noted that the technical result that is obtained by employing "sodium sulfate" in the present invention

is far from that obtained by utilizing "sodium chloride". This fact is clearly indicated as follows at page 6, lines 12-17 of the present specification.

"Sodium carbonate, sodium sulfate and the like, which are generally used as a water-soluble salt formulated in a detergent, are easily compatible with a water-soluble polymer, and tend to partly become amorphous. On the other hand, since an alkali metal halide tends to be crystallized, the alkali metal halide is crystallized alone, and usually is present as crystals in the base particle in the present invention."

Accordingly, based upon the above disclosure at page 6 of the specification, it should be clear that even upon combining the secondary disclosure of Kickle et al. (US '127) with the primary reference of Wilms et al. (US '693), one of ordinary skill in the art would never be motivated to arrive at the present invention as claimed, and further, even upon combining such references, there would never be obtained a composition as instantly claimed, or the advantageous properties that are possessed thereby.

CONCLUSION

Based upon the amendments and remarks that have been presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of Applicants' pending claims 1-13 are allowed and patentable under the provisions of Title 35 of the United States Code.

Should the present response not result in an allowance of each of the pending claims, the Examiner is respectfully requested to contact the undersigned so that a personal interview may be scheduled and held at the USPTO at the Examiner's earliest convenience. It is believed that the request for an interview is needed, in order to help expedite prosecution of this valuable invention.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Version with Markings to Show Changes Made

(Rev. 02/20/02)

VERSION WITH MARKINGS TO SHOW CHANGES MADEIN THE CLAIMS:

The claims have been amended as follows:

1. (Amended) Base particles for supporting a surfactant, obtainable by spray-drying a slurry comprising a water-soluble polymer (A), an inhibitor for forming a coating film (B) and a water-soluble salt (C) other than the inhibitor for forming a coating film, wherein the surfactant is contained in an amount of from 0 to [10] 3% by weight of the base particles.

2. (Amended) The base particles according to claim 1, wherein a weight ratio of the water-soluble polymer to the inhibitor for forming a coating film in a base particle constituting the base particles, [i.e.] that is water-soluble polymer/inhibitor for forming a coating film, is from 0.1 to 100.

7. (Amended) Base particles for supporting a surfactant, obtainable by spray-drying a slurry comprising at least a water-soluble polymer (A) and an alkali metal halide, wherein the surfactant is contained in an amount of from 0 to [10] 3% by weight of the base particles, and wherein a weight ratio of the water-soluble polymer to the alkali metal halide in a base particle constituting the base particles, [i.e.] that is water-soluble polymer/alkali metal halide, is from 0.1 to 100.

8. (Amended) A process for preparing base particles for supporting a surfactant, the base particles containing the surfactant in an amount of from 0 to [10] 3% by weight, comprising the step of spray-drying a slurry comprising a water-soluble polymer (A), an inhibitor for forming a coating film (B) and a water-soluble salt (C) other than the inhibitor for forming a coating film, wherein a dissolution ratio of Component (B) in the slurry is at a level sufficient to inhibit formation of a coating film on the surface of the resulting base particles.

9. (Twice Amended) Detergent particles having an average particle size of from 150 to 750 μm and a bulk density of 500g/L or more, wherein 1 to 100 parts by weight of a surfactant is supported in 100 parts by weight of [the base particles of claim 1 or 2] base particles for supporting the surfactant, obtainable by spray-drying a slurry comprising a water-soluble polymer (A), an inhibitor for forming a coating film (B) and a water-soluble salt (C) other than the inhibitor for forming a coating film, wherein the surfactant is contained in an amount of from 0 to 10% by weight of the base particles.

11. (Twice Amended) A detergent composition comprising the detergent particles of claim 9 or 10.

Claims 12-13 have been added.